

JAN 17 2006**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TEODORO LLAMAS-ISASAGA,

Defendant - Appellant.

No. 04-10354

D.C. No. CR-03-00283-KJD

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
Kent J. Dawson, District Judge, Presiding

Submitted January 9, 2006^{**}

Before: HUG, O'SCANNLAIN and SILVERMAN, Circuit Judges.

Teodoro Llamas-Isasaga appeals the sentence imposed following his guilty plea for conspiracy to distribute a controlled substance in violation of 21 U.S.C. §§ 846 and 841(a)(1) & (b)(1)(B)(viii).

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Llamas-Isasaga contends that the district court violated his Sixth Amendment rights when it calculated his base offense level and denied his request for a mitigating role adjustment, based on facts not submitted to a jury nor admitted by the defendant. As part of his plea agreement, Llamas-Isasaga waived his right to appeal his conviction or sentence. We enforce the appellate waiver, and dismiss the appeal. *See United States v. Cardenas*, 405 F.3d 1046, 1048 (9th Cir. 2005).

DISMISSED.